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Recalling a past public-safety sham, Josh Fox returns to the fracking fracas

Contami-Nation

by Matthew Schniper @MatthewSchniper

Of all things flammable in the wide world, tap water shouldn't be one of them.

At least that's the consensus — call it crazy — among environmentalists and fracking foes, for whom the phenomena, supposedly brought on by nearby hydraulic fracturing for oil and gas extraction, has grown into quite a powerful symbol. Fitting, as fire has conveyed the angry heart and distempered emotion of many movements in modern history, from bra-burning and flag-burning to self-immolation.

It's clear from speaking with Josh Fox, the amped-up face-man for the anti-fracking movement, that he views Americans' battle against big industry, not to mention their own elected leaders, as nothing short of a fight to the (slow) death. Our health vs. their wealth.

Fox, 40, earned some celebrity with the 2010 film *Gasland*, which was nominated for a Best Documentary Oscar, as well as for four Emmy Awards (winning one for its directing). Opposition upped Fox's profile soon after: An independent film team used Kickstarter to produce the pro-fracking *FrackNation*. And special-interests who support fossil fuel development, groups like the Independent Petroleum Association of America, backed the documentary *TruthLand* in an effort to discredit Fox's "fearumentary."

It's a strange David-and-Goliath conflict, pitting billionaires and multinational corporations vs. the relatively lowly founder and artistic director of New York-based International WOW Company, a theater and film collaborative dedicated to illuminating "global social and political crises."

But frack with a Columbia University grad who's written, directed and/or produced more than 30 stage works and who cut his cinematic teeth with 2008's *Memorial Day*, an exposé of Abu

Ghraib atrocities, and growing national resistance is what you get.

Fox lands in Colorado Springs this week on a limited grassroots screening tour ahead of the impending wide-release of *Gasland Part II* on HBO. He's a stranger neither to our town nor to highly spirited discourse, which I quickly learn when he kicks off our interview by asking the first question:

Josh Fox: How's everything over there in Colorado Springs? Do you know my uncle, Bob Rundo, the Tree Surgeon?

Indy: No, I don't, actually ...

Indy: Did you visit here as a kid?

JF: Oh, totally. Colorado Springs is the very first place that I've been in the West in my entire life. Because we went out to see him ... [he's] politically quite conservative. We've had our disagreements over the years, but what's interesting, what he told me and when I gave this speech in Colorado Springs [this past November] I talked about this; he was in the audience. He said, "You know, back when we were spraying trees ... we used to use Malathion and all these chemicals on the trees and it was that book by — and he starts tapping his fingers — Rachel, um, Rachel ..."

I said, "Rachel Carson, *Silent Spring*?"

"That's the one, yeah." And he tells me stories about how all the people who used to work with those chemicals are now dead. And his doctor told him he can't lose weight too fast because he's got all that stuff stored in his fat cells. So my conservative Uncle Bob and I bonded over these issues of chemical contamination ...

And this is what I've found all across America, is that you've got no ideological boundary here: Chemicals are chemicals, contamination is contamination, health is health, and you're seeing this unify people.

Indy: For this *Gasland II* Grassroots Tour, how did you schedule the cities? Are these important battlegrounds?

JF: Yes, they are. Each one for slightly different reasons. But we did want to encourage what we think works the best. And what works the best is a ban movement.

And we're seeing a significant ban movement grow in Colorado. We're seeing a significant ban-moratorium movement grow in California, and obviously in New York that has worked.

We're going to Pennsylvania because Pittsburgh and other places have banded together to ban there. And in Illinois, we're going there because it's a real crisis right now.

This is a practice that can't be regulated. The regulations approach has been the rack and ruin of

Pennsylvania, the rack and ruin of the Western Slope of Colorado. Of the Red Zone in Weld County. You cannot fix the problem that this rapid industrialization brings on a community, on the water supply, on the air quality ...

Colorado Springs had a moratorium [while working on developing regulations]. That's remarkable. Boulder, Colorado — very important place for the political conversation in the state — we're going there. We'll be out on the Western Slope in Telluride, and we're trying to see if we can't do another date in the Western Slope as well this time out.

Indy: *Gasland II* should be out on HBO on July 8, yes?

JF: Yes. HBO's been incredible, they've been very responsive. They're allowing us to take this film to the grassroots first. That's a wonderful gesture to say, you know, this movie matters most to the people who are fighting the hardest. We want to give them that, and for me to be able to go out there as I've done — you know, I toured *Gasland* to 250 cities, that was insane — I don't know what the touring range for this will be, but I wanted to make sure that those folks know we appreciate them enormously. We want them to have it and we want to support them.

That's our whole mission: to support the reporting that we've found. There's a lot of bravery out there. When you're talking about families and small communities taking on the largest industry in the history of industry, and trying to fight for their basic human right, that's not an easy thing to do.

Indy: What did you most want to do with *Gasland II*?

JF: Well, I was compelled to make the follow-up film because, frankly, we saw just an enormous movement happening. Now, I'm not crediting the film with that. ... The movement has happened because there is this largest domestic drilling campaign in history happening, and people are angry and upset and protesting that.

But what we found was there was another layer of contamination due to fracking we wanted to investigate. And that's the contamination of democracy.

Governor Hickenlooper, or as I like to call him, "Frackenlooper" — we don't call him anything but "Frackenlooper," "Frackenlooper" is his name — is moonlighting as governor of Colorado, and his main job is to be representing the oil and gas industry. And it is incredible to see the Democratic establishment — Governor Frackenlooper, President Obama, [former Pennsylvania Governor Ed] Rendell, everyone except [New York Governor Andrew] Cuomo right now, frankly — literally in the gas tank. And to be betraying the health concerns of its own constituents in favor of toeing an oil and gas development line, when every indicator says we have to move away from this and move towards renewable energy.

There's vigorous development of renewable energy: community solar in Colorado right now. Wind. It is totally viable for us to replace this fuel and to replace all fossil fuels with renewable energy. We need strong leadership who's not on the take from oil and gas to represent the people.

So what we wanted to do is say, "Oh my god, look at what happened in the media. Look at what happened in the streets. It's unprecedented, amazing what's happened in the face of the fracking threat. Why hasn't the government responded?"

Indy: Since the film premiered at Tribeca Film Festival on April 21, what's the response and blow-back been so far?

JF: More of the same. I mean, the industry got caught hiring psyops officers. People who'd just come from Iraq and Afghanistan who were trained in psyops, psychological operations, and they were employing those techniques against landowners fighting the industry in Pennsylvania.

They got caught doing that. They were tape-recorded at their own teleconference describing landowners fighting for their basic human rights in Pennsylvania as "insurgents." This industry has pursued a line of disinformation, of deceit.

Now, it's not surprising. Understand that my first glimpse of the oil and gas industry was them coming to me [as a member of a family that owned property in Pennsylvania] and saying, "Oh, it's not going to be such a big deal, we'll hardly even drill, just sign at the bottom line, it's free money."

When their first note is deception, how do you expect the next note to be something truthful?

What they're doing here is doubling down on denial and it's following the strategy of Big Tobacco. Big Tobacco had a problem they couldn't solve. There was no way to make a healthy cigarette. The gas industry has been studying well leakage, water contamination, all these problems for decades. And they've come to the conclusion in their own scientific reporting, and we show this in *Gasland II*, that there is no way to make a leak-proof well. And in fact, their leakage rates are alarming and astounding.

Five percent of all wells leak immediately upon installation, and their cement casings fail. And 50 percent of them leak over a 30-year period. It's the industry's own science.

So in the same way that the tobacco industry had these memos in their drawers that said, "Oh, we knew all along that nicotine's addictive and that tobacco's harmful," the gas industry has their own research. And some of that stuff has been published, even. It's not even hidden. Some of it is hidden and we uncover a lot of that material in the new film.

Indy: They made a fake trailer before your new trailer —

JF: The fake trailer is hilarious!

Indy: How much do you think they've spent on it?

JF: One of my publicists did at one point estimate hundreds of millions of dollars to try to change the message. It goes from the sublime to the ridiculous, but that stuff I don't worry about as much.

What I worry about right now is a different tactic from oil and gas, which is the *reasonable* voice. It reminds me a lot of those liberals who came out and said that the Iraq war was a good idea, back in [2003]. There were these people who said, "Oh yes, well, we should go along," and 10 years later they're like, "Oh, we made a big mistake." ...

It's this idea of safe fracking and that we can regulate it, this idea that like Governor Frackenlooper said, "You can drink fracking fluid," which he had to retract. There is no such thing as non-toxic fracking fluid. It doesn't exist. There's no such thing as a leak-proof well. It doesn't exist. There's no such thing as safe fracking. It doesn't exist.

Unfortunately, governors that lie about the issue do exist.

http://www.youtube.com/watch?v=-eWhdEVDHPQ&feature=player_embedded

Indy: So what do you say to people who insist that there is no credible evidence of the dangers of fracking? What's your best, most irrefutable data, your strongest argument, your best proof on your side?

JF: This is not even a question of proof. You look out there — and I've been to 25 states and all over the world investigating this issue — the contamination is clear from all the reporting. The *New York Times*, Pulitzer Prize-winning ProPublica, there are thousands of pages written on the contamination. Anyone who's saying it doesn't exist is living on a slightly different planet.

But the best evidence of why these things are happening comes from the gas industry itself. Their own reports, which are featured in *Gasland II*. We know it is happening, and the first film is evidence of that. All the reporting is evidence of that. All those people are evidence of that ...

And a lot of this has to do with PR. Who can win the PR war ... and all I'm trying to say is, "Look at this reporting. Look at what's actually being wrought on these people." And it's not a small number of people. Finding contamination cases making the first *Gasland* was not difficult at all. Especially not in Colorado.

I mean, I drive into Rifle, and have one interview set up, and by the end of the day, it's 2 in the morning and I've done 15 interviews. The same thing happened in Weld County. We had an appointment with one person: Amee Ellsworth. By the end of two days of interviews, we had many, many people coming forward who were extraordinarily frustrated and upset with the Colorado Oil and Gas Conservation Commission, with the governor, but mostly with the industry.

Indy: The EPA released its first progress report in December 2012 on its two-year study of potential impacts of hydraulic fracturing on drinking water, with a final draft promised by 2014. What do you think of that report so far?

JF: I haven't seen the progress report. The EPA would be in conflict with their own findings on several occasions if they were to come out and give fracking a clean bill of health.

One of the first interviews I did was with Weston Wilson; we know him as Weston Wilson the Whistleblower, in Region 8 offices at EPA. He blew the whistle on a 2004 report by EPA which said, "Yes, we're injecting toxic material into the ground but it is no risk." [Laughs.]

He said it was an Orwellian world. Unfortunately what we've seen, and you'll see demonstrated in *Gasland II*, is that EPA is subject to the same political pressures as any of our state agencies are. And that the industry has an incredible grip on our regulatory agencies.

In Pennsylvania, [in] the public accountability initiative report ... called "Fracking and the Revolving Door in Pennsylvania," they examine all the people who are supposed to be regulating on behalf of the citizens, and they said it's had a corrupting effect and that the industry has captured the regulatory agencies that are supposed to represent the citizens. It does not mince words. And we're seeing the same situation over and over again.

Dave Neslin, of Colorado Oil and Gas Conservation Commission, who first said we could have an interview and then chickened out when he saw our release form and walked out in the middle of *Gasland I* — and his own agency has confirmed time after time after time in their 2010 groundwater report instances of groundwater contamination due to drilling and fracking all throughout Colorado — if you look at the 2010 groundwater report from the COGCC, it is very clear about all the contamination that's occurring from abandoned wells, cement problems and other issues.

This man left the COGCC to work for a firm that represents Encana. Encana is a subject of EPA's Region 8 investigation in Wyoming. It's unconscionable. You can't switch sides from representing the people to representing the industry, unless you're motivated by one thing.

Indy: The Obama administration is supposed to issue new fracking regulations any day now. [It did Thursday, to criticism from both sides.] What do you expect from it?

JF: The Obama administration has clearly embraced natural gas ... there were natural gas talking points in the State of the Union address. I don't think they did that with good science, with an eye towards the brilliant reporting that's happened. I don't think they did that with the idea of good government in mind. And one of the things that we'd like to do is reach out to President Obama and say, "Your base is not with you on your position on natural gas, you need to do what we elected you to do."

I was campaigning door-to-door in the Pennsylvania primary in Wayne County, PA, knocking on doors for President Obama in April 2008. And many of my colleagues obviously preferred him to the opposition in the last election. But he needs to go ahead and represent the people who elected him.

And in Colorado, the tipping state in this election, when you have an uprising happening in Boulder. When you have Colorado Springs and a moratorium. When you have Longmont, Fort Collins, all these people who are out there campaigning, it's time for the president to pay attention. It's time for the president to distance himself from people like Governor Frackenlooper

...

Report after report is saying that Hick has lost his base in Colorado. It's those people in Boulder who're going to elect the next president. It's those people in Boulder and on the Western Slope who're going to elect the next governor of Colorado. It's a tight, tight state. To lose those folks it's going to be very detrimental to the fledgling Democratic base, or whatever you want to call it, in Colorado.

They've gotta start paying attention. This issue is not going away. When we talk about Frack Colorado, Frack Pennsylvania, Frack California, Frack New York, what we're talking about is tying ourselves into another 30 to 50 years of dependency on the same old oil companies that are doing the fracking. This is Royal Dutch Shell, this is Exxon. These are the guys who have been playing with our purse strings.

Once they start exporting natural gas, we're going to be subject to the same international pricing pressures we are with oil. And those multinationals who are not Americans, they're multinationals with investors from China and all over the world, those are the guys who are now going to be controlling how much you have to pay for your energy.

Indy: I see Smokey the Bear has been co-opted by someone in an anti-fracking ad that reads, "Only you can prevent faucet fires" —

JF: Yeah, I love that. I bought one of those shirts ...

Indy: Have you heard any blowback from that? Is the Forest Service upset about it?

JF: You can't frack the forest. I mean, come on. If we can't prevent faucet fires — if they start fracking in the forest, you're gonna have forest fires. I mean, I think it's [laughs] — it's one of my favorite things.

It was in Albany. I saw the artist who'd created that and she only had red and green T-shirts, and I said, "You made an activist T-shirt and you didn't make a black one?"

And she said, "I'll make you a black one." And I said, "I'll buy three."

... Smokey should come out against it for real. Smokey as a Fracktivist makes a lot of sense.

Indy: I was reading one review of the film —

JF: I don't read reviews.

Indy: Well, this person said, "Although the film is about fracking, its deeper subject is America in the early 21st century. What used to happen in the far away Third World or indigenous regions, is now going on in the U.S. Call it karma ... seducing the populace with promises of 'energy independence,' a government that once vaunted democracy as its prime export, now disenfranchises citizens." Unless you don't care to give away too much

of the film content, can you elaborate?

JF: OK, the fossil fuel industry has always considered a certain element of the population expendable. Those expendable people have been in Nigeria, in West Virginia, on the Western Slope of Colorado. Those are the people who are allowed by them and by a lot of governments to be poisoned and destroyed.

When you look at the map of ... shale plates all over America, the area of people being considered expendable by the fossil fuel industry has expanded to *a lot* of new places. You're seeing those people who are not used to being treated that way. You could call it exploitation models deployed in the developing world, you could call it an exploitation model deployed in West Virginia, but that's their M.O. That's the way they treat people. Like, "How did our gas get under their mountains?"

And let's move them aside, and what you're seeing is an equal and opposite reaction, like a Newtonian political equation. ...

And it's a stand-and-be-counted moment. For the president, for all the other elected officials that are involved in this debate, I urge them, please, we are here to work with you, we want you to work with the people. And not with the fossil-fuel industries who had their way with so many at such great expense. These are human rights issues. These are issues of democracy, and that's what the new film speaks to.

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